

REMARKS

The non-final Office Action mailed November 14, 2008 has been reviewed and these remarks are responsive thereto. Claims 5, 6, 9-13, 36-39, 41-45, 47-50, 54, 55-57, 59, 69-75, 77, 78 and 80 are amended to further clarify the claimed subject matter and correct minor informalities. No new matter is added by the amendments. Claims 79 and 81-95 are canceled without conceding the propriety of the rejections against these claims and reserving the right to assert these claims subsequently.

I. Independent claim 6 and dependent claims 2, 5 and 9-11

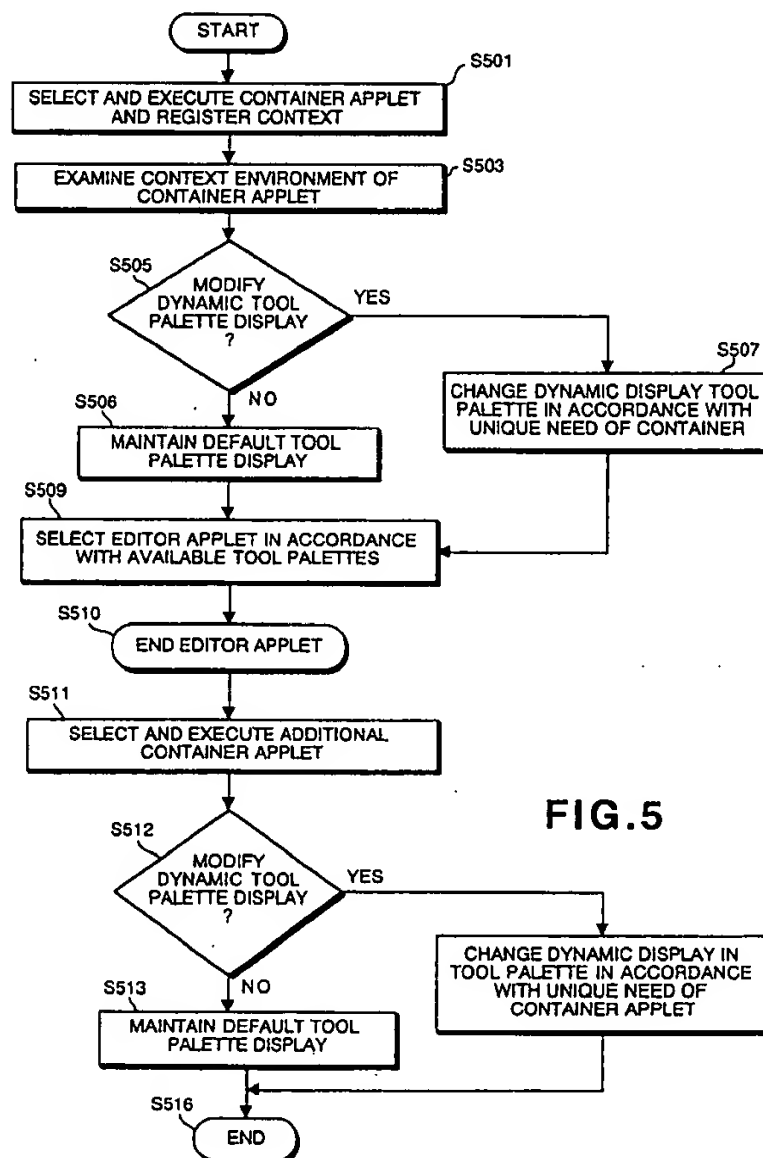
The current Office Action rejects claims 2, 5, 6 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan, U.S. Patent No. 5,572,648 (hereinafter "Bibayan") in view of Samar, U.S. Patent No. 6,563,514 (hereinafter "Samar"), in further view of Donoho, U.S. Patent No. 6,801,929 (hereinafter "Donoho"), in further view of Gourdol, U.S. Patent No. 6,493,006 (hereinafter "Gourdol"), in further view of Kenney, U.S. Patent No. 6,121,965 (hereinafter "Kenney"). Applicants respectfully traverse the rejections of claims 2, 5, 6 and 9-11 for the reasons described below.

The current Office Action suggests that claims 2, 5, 6 and 9-11 are obvious based on the rationale that prior art elements may be combined according to known methods to yield predictable results. As explained at Section 2143(A) of the Manual of Patent Examining Procedure (MPEP), to provide a prima facie case of obviousness under this rationale, Office personnel must articulate a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.

As amended, independent claim 6 requires storing a tree data structure, the tree data structure stored at the computer, the tree data structure comprising an overall set of nodes, each node in the overall set of nodes being an independent data structure, the overall set of nodes including a root node and a set of child nodes, each node in the set of child nodes being a child of one other node in the overall set of nodes, the overall set of nodes comprising a set of leaf nodes

and a set of non-leaf nodes, no node in the overall set of nodes being a child of any node in the set of leaf nodes, each node in the set of non-leaf nodes having at least one child node in the overall set of nodes, the root node not being a child of any node in the overall set of nodes, each node in the overall set of nodes associated with a value, each node in the overall set of nodes associated with an expression, the expressions associated with each of node in the set of non-leaf nodes taking as operands the values associated with each child node of the node, the set of leaf nodes including a first leaf node and a second leaf node.

The current office action asserts that Bibayan teaches a tree-based visibility expression in figure 5 and in column 5, lines 19-56. Figure 5 of Bibayan is reproduced below:

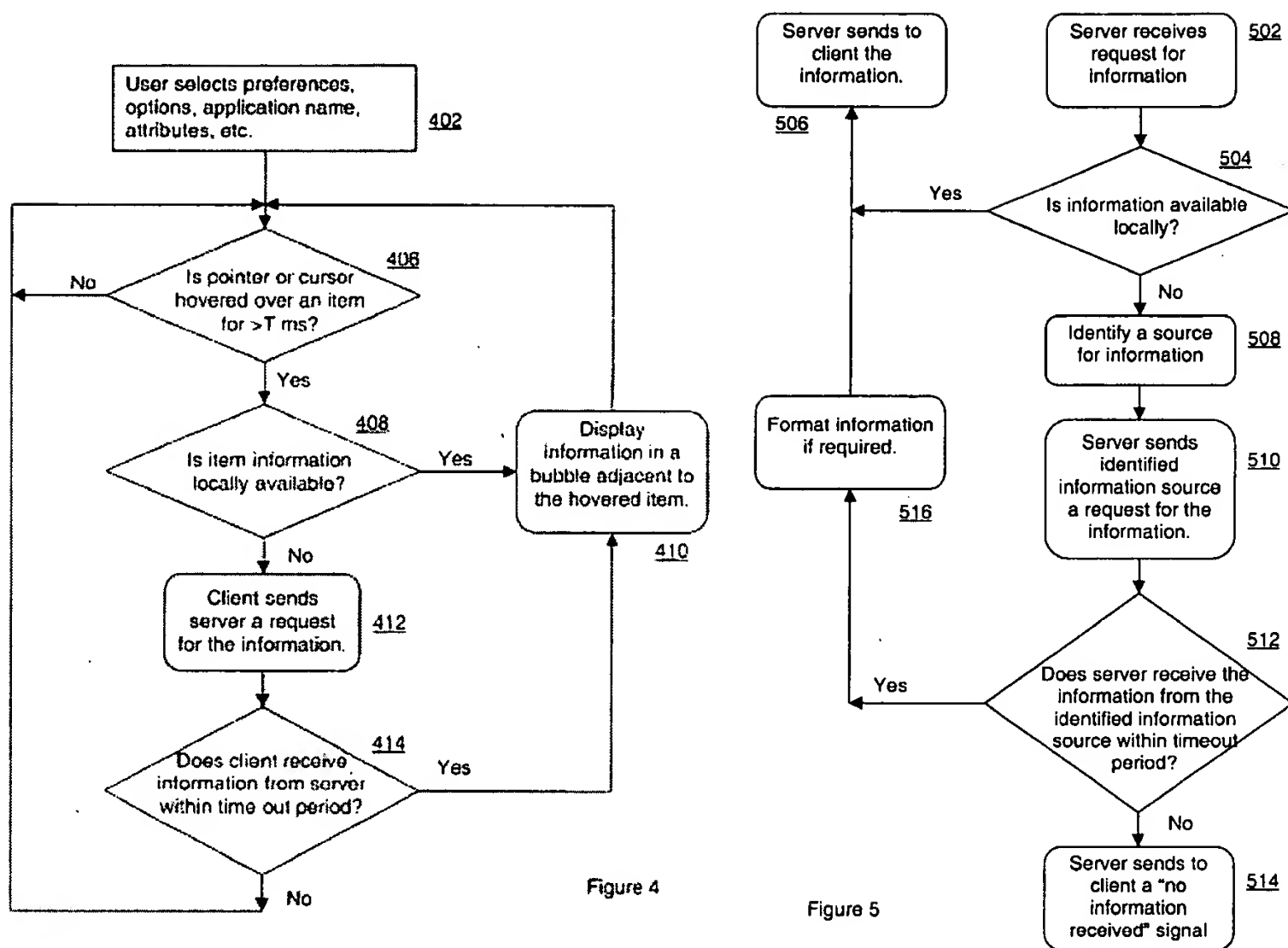


Column 5, lines 19-56, of Bibayan discuss how “dynamic tool palette display applet 24” determines “whether to modify its dynamic tool palette display based on the current context.” However, neither figure 5 nor column 5, lines 19-56, of Bibayan explicitly mention a tree data

structure. Furthermore, a tree data structure is not inherent in column 5, lines 19-56, of Bibayan. A tree structure is not inherent in column 5, lines 19-56, of Bibayan because many other types of data structures could be used to determine whether to modify a “dynamic tool palette display.” For instance, a neural network data structure could be used to determine whether to modify a “dynamic tool palette display.”

Further, the decision tree shown in Figure 5 of Bibayan does not teach the tree data structure of claim 6 because the tree data structure of claim 6 includes a set of leaf nodes. The decision tree shown in Figure 5 of Bibayan does not include anything that could be characterized as a leaf node. Moreover, each node in the overall set of nodes in the tree data structure of claim 6 is associated with a value. One of skill in the art would not interpret Figure 5 of Bibayan to teach or suggest that each of the described steps is associated with a value. Furthermore, the decision tree shown in Figure 5 of Bibayan is a logical sequence of steps. Consequently, the decision tree shown in Figure 5 of Bibayan is not stored anywhere, as required by claim 6. Therefore, Bibayan does not teach or suggest any of the requirements of claim 6 relating to tree data structures.

The current office action also asserts that Samar teaches evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see Figure 4, and column 5, lines 15-56, of Samar). Figures 4 and 5 of Samar are reproduced below:



Contrary to the assertion in the current office action, Figure 4 of Samar does not teach or suggest a tree data structure. Moreover, column 5, lines 15-56, of Samar do not teach or suggest a tree data structure. In particular, column 5, lines 15-56, of Samar do not explicitly mention a tree structure. Moreover, column 5, lines 15-56, of Samar do not inherently require the use of a tree structure. A wide variety of data structures could be used to determine whether to display “a plurality of items should the user hover over it for a specified period of time.” For instance, the “bubble software 302” could automatically display the plurality of items when the “bubble software 302” receives an event from an operating system.

The “decision trees” shown in Figures 4 and 5 of Samar do not teach the tree data structure of claim 6 because the tree data structure of claim 6 includes a set of leaf nodes. The “decision trees” shown in Figures 4 and 5 of Samar do not include anything that could be characterized as a leaf node. Moreover, each node in the overall set of nodes in the tree data

structure of claim 6 is associated with a value. One of skill in the art would not interpret Figure 4, Figure 5 or column 5, lines 15-56, of Samar to teach or suggest that each of the described steps is associated with a value. Furthermore, the decision trees shown in Figures 4 and 5 of Samar are logical sequences of steps. Consequently, the decision trees shown in Figures 4 and 5 of Samar are not stored anywhere, as required by claim 6. Therefore, Samar does not teach or suggest any of the requirements of claim 6 relating to tree data structures.

Furthermore, the current office action asserts that Donoho teaches representing messages to be presented as technical support as expressions, having corresponding sub-expressions (children nodes), where the expressions form a tree of expressions to evaluate to either a Boolean true or false, based on the logical tree evaluation, to show relevance (see column 18, lines 6-19, column 25, lines 9-40, and figure 10). Figure 10 of Donoho is reproduced below:

Expression:
 (not exists File 'System' of System Folder) or
 (not exists File 'MacTCP DNR' of System Folder)

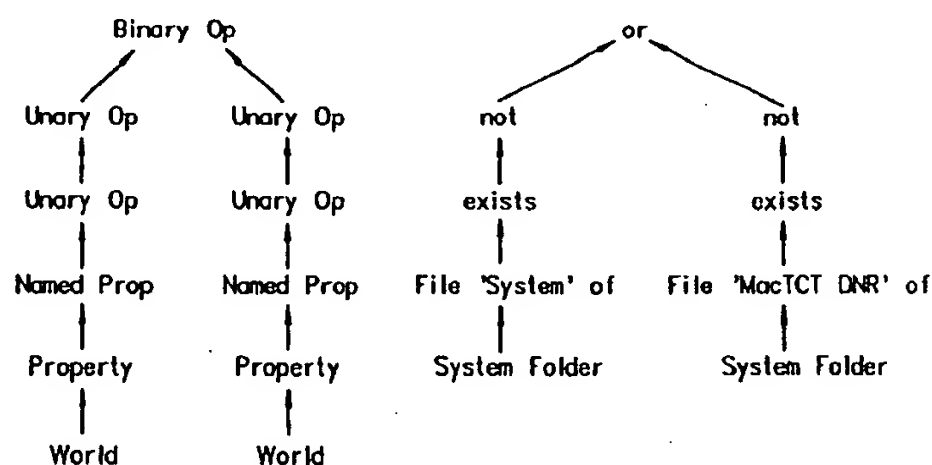


FIG. 10

Column 18, lines 6-19, of Donoho describe Figure 10 of Donoho. Column 18, lines 6-19, of Donoho are reproduced below:

As a matter separate from gathering, the pool of all advice to be evaluated may be processed, either continuously, or according to a consumer-defined schedule, or an immediate user request, or some specified trigger event (see FIG. 9). The

advice reader parses the individual message and identifies the clauses determining relevance. These clauses are expressions in the formal relevance language which is described below. The advice reader parses the clauses using an expression tree generator 91 into a tree of elementary subexpressions (see FIG. 10) and then evaluates each subexpression of the tree using an expression tree evaluator. If evaluation proceeds successfully and results in a value of True, the message is deemed relevant 93.

Column 18, lines 6-19, and Figure 10 of Donoho indicates that a relevance expression can be "parsed into a tree of elementary subexpressions." Furthermore, column 18, lines 6-19, of Donoho indicates that the subexpressions of the tree can be evaluated to derive a Boolean value. However, column 18, lines 6-19, of Donoho does not describe how the subexpressions of the tree are evaluated. Figure 10 of Donoho is also silent about how the subexpressions of the tree are evaluated. Similarly, column 25, lines 9-40, of Donoho does not describe how the subexpressions of the tree are evaluated.

However, column 28, lines 38-43, of Donoho states, "at the successful completion of parsing, an expression tree is built up consisting in essence of a collection of method invocations and associated arguments and associated data types of those arguments. Evaluation of the expression is the process of performing the appropriate method dispatching in the appropriate order." Thus, a tree of subexpressions is evaluated by recursively invoking methods, starting at a method evaluated at a root node. Thus, a first method (i.e., a parent node) invokes a second method (i.e., a child node) and the second method returns a Boolean value to the first method. The example expression trees in column 26 of Donoho illustrate this point.

The system of evaluating expression trees in Donoho does not teach or suggest the requirements of claim 6. For example, claim 6 requires that in response to a change to the value associated with any non-root node, using, at the computer, the expression associated with a parent node to make a determination whether to change a value associated with the parent node, the non-root node being in the set of child nodes, the parent node being a parent of the non-root node. In contrast, the only time that a child node in Donoho provides any information to a parent node is in response to a method invocation by the parent node. For this reason, Donoho does not teach or suggest this requirement of claim 6.

Claim 6 requires ascertaining, whether a change has occurred to a position of a cursor. Furthermore, claim 6 requires in response to ascertaining that the change has occurred to the position of the cursor, making, at the computer, a change to the value associated with the first leaf node. Donoho does not teach or suggest these requirements of claim 6. As discussed above, Donoho teaches a system in which a first method (i.e., parent node) invokes a second method (i.e., child node). It is therefore apparent that the current Office Action is interpreting the value returned by a method in the tree to teach the value associated with a node. Consequently, the value returned by a node (i.e., method) changes in response to an invocation of the method. In contrast, claim 6 requires the change to the value associated with the first leaf node to occur in response to ascertaining that the change has occurred to the position of the cursor. For this reason, Donoho does not teach or suggest these requirements of claim 6.

Because none of the documents cited by the current Office Action teaches or suggests these requirements, the current Office Action does not provide a prima facie case of obviousness against independent claim 6 and its dependent claims 2, 5 and 9-11. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 6, 2, 5 and 9-11 under 35 U.S.C. § 103(a).

II. Independent claim 36 and dependent claims 37-40 and 43

The current Office Action rejects claims 36-40 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney. Applicants respectfully traverse the rejections of claim 36-40 and 43 for the following reasons.

Among other requirements, independent claim 36 requires in response to ascertaining that the change has occurred to the selected text portions of the document, making, at the computer, a change to the value associated with the first leaf node. Claim 36 also requires in response to a change to the value associated with any non-root node, using, at the computer, the expression associated with a parent node to make a determination whether to change a value associated with the parent node, the non-root node being in the set of child nodes, the parent node being a parent of the non-root node. In addition, claim 35 requires in response to making a determination to

change the value associated with the parent node, changing, at the computer, the value associated with the parent node.

Although these requirements of claim 36 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 36. Applying this reasoning to these requirements of claim 36, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 36. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 36, the current Office Action does not provide a prima facie case of obviousness against independent claim 36 and its dependent claims 37-40 and 43. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 36-40 and 43 under 35 U.S.C. § 103(a).

III. Independent claim 46 and dependent claims 47, 48 and 50-54

The current Office Action rejects claims 46-48 and 50-54 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney. Applicants respectfully traverse the rejection of claims 46-48 and 50-54 for the following reasons.

Among other requirements, independent claim 46 requires in response to ascertaining that the change has occurred to the position of the cursor, making, at the computer, a change to the value associated with the first leaf node. Claim 46 also requires in response to a change to the value associated with any non-root node, using, at the computer, an expression associated with a parent node to make a determination whether to change a value associated with the parent node, the expression associated with the parent node taking as operands the values associated with each child node of the parent node, the non-root node being in the set of child nodes, the parent node being a parent of the non-root node. In addition, claim 46 requires in response to making a determination to change the value associated with the parent node, changing, at the computer, the value associated with the parent node.

Although these requirements of claim 46 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these

requirements of claim 46. Applying this reasoning to these requirements of claim 46, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 46. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 46, the current Office Action does not provide a prima facie case of obviousness against independent claim 46 and its dependent claims 47, 48 and 50-54. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 46, 47, 48 and 50-54 under 35 U.S.C. § 103(a).

IV. Independent claim 59

The current Office Action rejects claim 59 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney. Applicants respectfully traverse the rejections of claim 59 for the reasons described below.

Independent claim 59 requires one or more computer-readable storage media having computer-readable instructions thereon which, when executed by a computer, cause the computer to perform the method of claim 46. As discussed above, the current Office Action does not cite references that teach or suggest all elements of claim 46. For at least this reason, the current Office Action does not teach or suggest all elements of claim 59. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 59, the current Office Action does not provide a prima facie case of obviousness against independent claim 59. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 59 under 35 U.S.C. § 103(a).

V. Independent claim 80

The current Office Action rejects claim 80 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney. Applicants respectfully traverse the rejection of claim 80 for the reasons described below.

Independent claim 80 requires selecting selecting, at the computer, an unevaluated leaf node in the set of leaf nodes of the current tree data structure as a current node. Claim 80 also requires after selecting the unevaluated leaf node as the current node, evaluating, at the computer, the Boolean expression associated with the current node. None of the cited references teaches or suggests these requirements of claim 80. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 80, the current Office Action does not provide a prima facie case of obviousness against independent claim 80. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 80 under 35 U.S.C. § 103(a).

VI. Dependent claims 3 and 4

The current Office Action rejects claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney in further view of Meyer, U.S. Patent No. 5,742,504 (hereinafter “Meyer”). Applicants respectfully traverse the rejections of claims 3 and 4 for the reasons described below.

Claims 3 and 4 are dependent claims of independent claim 6. As discussed above, Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney does not teach all elements of claim 6. Furthermore, the current Office Action does not assert that Meyer teaches any of the elements not taught by Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claims 3 and 4. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claims 3 and 4 under 35 U.S.C. § 103(a).

VII. Independent claim 12 and dependent claim 13

The current office action rejects claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney in further view of Meyer. Applicants respectfully traverse the rejections of claims 12 and 13 for the reasons described below.

Among other requirements, independent claim 12 requires in response to ascertaining that the change has occurred to the selected text portions of the document, making a change to the value associated with the first leaf node. Claim 12 also requires in response to a change to the value associated with any non-root node, use the expression associated with a parent node to make a determination whether to change a value associated with the parent node, the non-root node being in the set of child nodes, the parent node being a parent of the non-root node. Furthermore, claim 12 requires in response to making a determination to change the value associated with the parent node, change the value associated with the parent node.

Although these requirements of claim 12 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 illustrates that Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney does not teach these requirements of claim 12. Furthermore, the current Office Action does not assert that Meyer teaches any of these requirements of claim 12. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 12, the current Office Action does not provide a prima facie case of obviousness against independent claim 12 and its dependent claim 13. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 12 and 13 under 35 U.S.C. § 103(a).

VIII. Dependent claims 41, 42 and 45

The current Office Action rejects claims 41, 42 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney in further view of Meyer. Applicants respectfully traverse the rejections of claims 41, 42 and 45 for the reasons described below.

Claims 41, 42, and 45 are dependent claims of independent claim 36. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 36. Moreover, the current Office Action does not assert that Meyer teaches any of the requirements of 36 not taught by Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claims 41, 42, and 45. For at least this reason, Applicants

respectfully request the withdrawal of the rejection of claims 41, 42, and 45 under 35 U.S.C. § 103(a).

IX. Dependent claims 49, 56 and 57

The current Office Action rejects claims 49, 56 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney in further view of Meyer. Applicants respectfully traverse the rejections of claims 49, 56 and 57 for the reasons described below.

Claims 49, 56, and 57 are dependent claims of independent claim 46. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 46. Moreover, the current Office Action does not assert that Meyer teaches any of the requirements of 46 not taught by Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claims 49, 56 and 57. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claims 49, 56 and 57 under 35 U.S.C. § 103(a).

X. Dependent claim 58

The current Office Action rejects claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of Gourdol in further view of Kenney in further view of Powers, III et al., U.S. Pat. No. 5,602,996 (hereinafter "Powers"). Applicants respectfully traverse the rejections of claim 58 for the reasons described below.

Claim 58 is a dependent claim of independent claim 46. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 46. Moreover, the current Office Action does not assert that Powers teaches any of the requirements of 46 not taught by Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney. Accordingly, the current Office Action does not provide a prima facie case of obviousness

against claim 58. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 58 under 35 U.S.C. § 103(a).

XI. Independent claim 69 and dependent claims 70-73

The current Office Action rejects claims 69-73 under 35 U.S.C. § 103(a) as being unpatentable over Baer et al., U.S. Patent No. 6,611,840 (hereinafter “Baer”), in view of Meyer in further view of Bibayan in view of Samar in further view of Donoho in further view of Kenney in further view of Gourdol. Applicants respectfully traverse the rejections of claims 69-74 for the reasons described below.

Among other requirements, claim 69 requires the application program to be configured to make, in response to ascertaining that the change has occurred to the selected text portions of the document, a change to the Boolean value associated with the second leaf node. Claim 69 also requires the application program to be configured to use, in response to a change to the Boolean value associated with any non-root node, the Boolean expression associated with a parent node to make a determination whether to change a value associated with the parent node, the non-root node being in the set of child nodes, the parent node being a parent of the non-root node. In addition, claim 69 requires the application program to be configured to change, in response to making a determination to change the Boolean value associated with the parent node, the Boolean value associated with the parent node.

Although these requirements of claim 69 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 69. Applying this reasoning to these requirements of claim 12, it is apparent that Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney does not cite documents that teach or suggest these requirements of claim 69. Moreover, the current Office Action does not assert that Baer or Meyer teach these requirements of claim 69. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 69, the current Office Action does not provide a prima facie case of obviousness against independent claim 69 and its dependent claims 70-73. Accordingly,

Applicants respectfully request the withdrawal of the rejection of claims 69-73 under 35 U.S.C. § 103(a).

XII. Independent claim 74 and dependent claims 75-77

The current Office Action rejects claims 74-77 under 35 U.S.C. § 103(a) as being unpatentable over Baer in view of Meyer in further view of Bibayan in view of Samar in further view of Donoho in further view of Kenney in further view of Gourdol. Applicants respectfully traverse the rejections of claims 69-74 for the reasons described below.

Among other requirements, independent claim 74 requires the application program to cause the processing unit to in response to ascertaining that the change has occurred to the selected text portions of the document, make a change to the value associated with the first leaf node. Claim 74 also requires the application program to cause the processing unit to in response to a change to the value associated with any non-root node, use the expression associated with a parent node to make a determination whether to change a value associated with the parent node, the non-root node being in the set of child nodes, the parent node being a parent of the non-root node. Furthermore, claim 74 requires the application program to cause the processing unit to in response to making a determination to change the value associated with the parent node, change the value associated with the parent node.

Although these requirements of claim 74 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 74. Applying this reasoning to these requirements of claim 74, it is apparent that Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney does not teach or suggest these requirements of claim 74. Moreover, the current Office Action does not assert that Baer or Meyer teach these requirements of claim 74. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 74, the current Office Action does not provide a prima facie case of obviousness against independent claim 74 and its dependent claims 75-77. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 74-77 under 35 U.S.C. § 103(a).

XIII. Independent claim 78 and dependent claim 79

The current Office Action rejects claims 78 and 79 under 35 U.S.C. § 103(a) as being unpatentable over Baer in view of Meyer in further view of Bibayan in view of Samar in further view of Donoho in further view of Kenney in further view of Gourdol. Applicants respectfully traverse the rejections of claims 78 and 79 for the reasons described below.

Among other requirements, independent claim 78 requires in response to ascertaining that the change has occurred to the selected text portions of the document, making, at the computer, a change to the Boolean value associated with the second leaf node. Claim 78 also requires in response to a change to the Boolean value associated with any non-root node, using, at the computer, the expression associated with a parent node to make a determination whether to change the Boolean value associated with the parent node, the non-root node being in the set of child nodes, the parent node being a parent of the non-root node. In addition, claim 78 requires in response to making a determination to change the Boolean value associated with the parent node, changing, at the computer, the value associated with the parent node.

Although these requirements of claim 78 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 78. Applying this reasoning to these requirements of claim 78, it is apparent that Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney does not teach or suggest these requirements of claim 78. Moreover, the current Office Action does not assert that Baer or Meyer teach or suggest these requirements of claim 78. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 78, the current Office Action does not provide a prima facie case of obviousness against independent claim 78 and its dependent claim 79. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 78 and 79 under 35 U.S.C. § 103(a).

XIV. Dependent claim 44

The current Office Action rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Donoho in further view of

Gourdol in further view of Kenney in further view of Baer. Applicants respectfully traverse the rejection of claim 44 for the reasons described below.

Claim 44 is a dependent claim of independent claim 36. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 36. Moreover, the current Office Action does not assert that Baer teaches any of the requirements of claim 36 not taught by Bibayan in view of Samar in view of Donoho in view of Gourdol in view of Kenney. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claim 44. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 44 under 35 U.S.C. § 103(a).

XV. Dependent claim 55

The current Office Action rejects claim 55 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan in view of Samar in further view of Gourdol in further view of Donoho in further view of Kenney in further view of Gayraud et al., U.S. Patent No., 5,436,637 (hereinafter, "Gayraud"). Applicants respectfully traverse the rejection of claim 55 for the reasons described below.

Claim 55 is a dependent claim of independent claim 46. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 46. Moreover, the current Office Action does not assert that Gayraud teaches any of the requirements of claim 46 not taught by Bibayan in view of Samar in view of Gourdol in view of Donoho in view of Kenney. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claim 55. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 55 under 35 U.S.C. § 103(a).

S/N 09/599,086

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

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